

SUPREME COURT OF ARKANSAS

Opinion Delivered March 17, 2016

IN RE ADMINISTRATIVE
ORDER NUMBER 8 –
FORMS FOR REPORTING
CASE INFORMATION IN
ALL ARKANSAS TRIAL
COURTS

PER CURIAM

The Supreme Court Automation Committee has proposed amendments to Administrative Order Number 8 to update and improve policies and procedures dealing with court forms. One of the more significant changes is to require the use of a cover sheet for each defendant in a criminal case. The intent of this requirement is to improve statistical and criminal history reporting.

We are publishing the suggested amendments for comment. The changes are set out in “line-in, line-out” fashion (new material is underlined; deleted material is lined through). Comments should be made in writing before May 1, 2016, and they should be addressed to: Stacey Pectol, Clerk, Supreme Court of Arkansas, Attn.: Administrative Order Number 8, Justice Building, 625 Marshall Street, Little Rock, Arkansas 72201.

Administrative Order Number 8 - Forms for Reporting Case Information in All Arkansas Trial Courts

Section I. Scope.

a. In every action filed in the circuit courts, a form designed for the uniform collection of case data shall be completed and filed with the initial pleading and again at final disposition.

The forms shall be used in assigning and allocating cases and to collect statistical case data. The forms shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or the rules of this Court. This Order in no way affects the use of the Sentencing Order (which refers to the Sentencing Order effective January 1, 2012, and the former Judgment and Commitment Order or Judgment and Disposition Order) in judicial proceedings as authorized by ~~Court~~ Rule-court rule or statute.

b. In the event that a jurisdiction has implemented electronic filing pursuant to Administrative Order Number 21, the Administrative Office of the Courts shall have the authority to waive the utilization of the forms required by this Order to the extent that the information can be submitted through the electronic filing system.

Section II. Responsibility for forms.

a. *Administrative Office of the Courts.* The Administrative Office of the Courts (AOC) shall be responsible for the content and format of the forms after consultation with other appropriate agencies or as may be required by law. The AOC shall be responsible for training in the use of these forms and for initial dissemination of the forms.

b. *Court clerk.* For the purposes of this Order, court clerk means an elected circuit clerk in whose office a pleading, order, judgment, or decree is filed, as well as any deputy clerks in those offices. In the event probate matters are required by law to be filed in the office of the county clerk, then the term clerk shall also include the county clerk for this limited purpose.

The court clerk shall not accept an initial pleading ~~which~~ that is not accompanied by

the appropriate completed form. The court clerk shall maintain a supply of forms to ensure their availability to attorneys or pro se litigants. The court clerk shall weekly forward to the AOC a copy of the forms ~~which have been filed to the AOC~~ unless the court clerk ~~or other official as designated by the trial court~~ reports electronically to the AOC. Those counties ~~which report~~ reporting electronically should not send copies of the paper forms unless specifically requested to do so by the AOC. These forms shall replace all forms currently used for reporting case data to the AOC.

c. *Multiple claims.* If a complaint asserts multiple claims ~~which involve~~ involving different subject matter divisions of the circuit court matters, the cover sheet for ~~that division~~ the type of case which is most definitive of the nature of the case should be selected and completed. Attorneys or pro se litigants should be cognizant that claims which are wholly unrelated may be severed and proceeded with separately under Rule 18(b) of the Rules of Civil Procedure.

Section III. Procedure.

a. *Criminal cases.* The office of the prosecuting attorney shall ~~be responsible for completion of~~ complete a separate the cover sheet for each defendant. The cover sheet and the criminal information form and for filing it in the Office of the Circuit Clerk who shall forward a copy shall be filed with the court clerk. The court clerk shall not accept the criminal information unless it is accompanied by the cover sheet. The court clerk shall file the original cover sheet and criminal information form and shall forward a copy of the reporting forms to the AOC pursuant to Section II.b.

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~~Upon~~ An attorney or pro se litigant filing an appeal of a misdemeanor conviction and sentencing to the Arkansas Department of Correction, the office of the prosecuting attorney from district court shall be responsible for completing the appropriate reporting form. An attorney or pro se litigant filing for post-conviction relief shall be responsible for completion of the Sentencing Order. The Order shall be submitted to filing the circuit judge for signature and filed in appropriate reporting form. The court clerk shall not accept the Office of filing unless it is accompanied by the Circuit Clerk cover sheet. The court clerk shall file the original cover sheet and shall forward a copy of the reporting forms to the AOC pursuant to Section II.b. and to counsel of record for the defendant.

Final disposition shall include every charge in the initial or any amended pleading. Every charge must be accounted for either on the Sentencing Order or the Reporting Form for Defense-Related Dispositions. Only one of these shall be completed for each case.

Where the final disposition ~~does not result~~ results in a commitment to the Arkansas Department of Correction ~~but may include~~ or any of the following—probation, suspended imposition of sentence, commitment to the Department of Arkansas Community Punishment Correction or to the county jail, a fine, restitution, and/or court costs on any charge—the office of the prosecuting attorney shall be responsible for completion of the Sentencing Order, which shall be submitted to the circuit judge for signature and filed in with the ~~Office of the Circuit Clerk~~ court clerk. The clerk shall forward a copy to the AOC pursuant to Section II.b. and to counsel of record for the defendant.

Where the case is dismissed or nolle prossed ~~because of the speedy trial rule~~, the case

is transferred, or the defendant is acquitted, the office of the prosecuting attorney shall be responsible for completion of the Reporting Form for Defense-Related Dispositions which shall be submitted to the circuit judge for signature and filed ~~in with~~ the Office of the Circuit Clerk court clerk. The clerk shall forward a copy to the AOC pursuant to Section II.b. and to counsel of record for the defendant.

b. *Civil, Probate, and Domestic Relations cases.* When an action is commenced, the attorney or pro se litigant filing the initial pleading shall ~~be responsible for completion of~~ complete the filing information on the appropriate reporting form, and that form shall be filed with the court clerk. The court clerk shall not accept the pleading unless it is accompanied by the reporting form. The court clerk shall file the original in the case file and shall forward a copy of the reporting form to the AOC pursuant to Section II.b.

~~When~~ The attorney or pro se litigant submitting the final order/~~decree/judgment~~ is presented to the ~~, or~~ court clerk for filing, the clerk or other appropriate official staff as designated by the trial court, shall complete ~~with the assistance of the parties and their attorneys~~ the disposition information on the original appropriate reporting form ~~in the case file and that form shall be filed with the court clerk~~. The court clerk shall not file and enter the order unless it is accompanied by the completed reporting form. The court clerk shall sign, date, and not be responsible for completing the form. The court clerk shall forward a copy of the completed reporting form to the AOC pursuant to Section II.b.

c. *Juvenile cases.* When an action is commenced, unless otherwise designated by the judge, the attorney or pro se litigant filing the petition shall ~~be responsible for completion of~~

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complete the filing information on the appropriate reporting form, and that form shall be filed with the court clerk. The court clerk shall not accept an initial pleading unless it is accompanied by the reporting form. The court clerk shall forward a copy of the reporting form to the AOC pursuant to Section II.b.

Pursuant to A.C.A. § 16-13-603(d)(2), the judge The attorney or pro se litigant submitting any order in response to a case type listed on the cover sheet, or court staff as designated by the trial court, shall ~~designate a staff person who shall be responsible for completing the~~ complete the disposition information on the appropriate ~~juvenile~~ reporting form, and that form ~~when an order is entered,~~ and forwarding the shall be filed with the court clerk for filing. The court clerk shall not ~~accept~~ file and enter the order unless it is accompanied by the completed reporting form. The court clerk shall ~~sign, date, and not be responsible for completing the form.~~ The court clerk shall forward a copy of the completed reporting form to the AOC pursuant to Section II.b.